

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

ERIC CLOPPER,

*Plaintiff,*

v.

HARVARD UNIVERSITY; PRESIDENT  
AND FELLOWS OF HARVARD  
COLLEGE (HARVARD CORPORATION);  
THE HARVARD CRIMSON; and JOHN  
DOES 1-10,

*Defendants.*

No. 20-cv-11363-RGS

**MOTION TO DISMISS BY PRESIDENT AND FELLOWS OF HARVARD COLLEGE**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant, President and Fellows of Harvard College (“Harvard” or the “University”),<sup>1</sup> respectfully moves to dismiss the Complaint brought by Plaintiff Eric Clopper because it fails to state a claim upon which relief can be granted.

In support of this Motion, Harvard submits an accompanying Memorandum of Law, exhibits appended to the Memorandum, and exhibits submitted under seal. *See O'Brien v. Deutsche Bank Nat'l Tr. Co.*, 948 F.3d 31, 35 (1st Cir. 2020) (explaining that a court evaluating a motion to dismiss may consider documents incorporated by reference in the Complaint).

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<sup>1</sup> “President and Fellows of Harvard College” is the legal entity comprising Harvard University, and therefore any judgment or order entered against President and Fellows of Harvard College, subject to the usual appeal rights, will be binding as to all matters relating to the conduct of Harvard University’s affairs. The naming of “Harvard University” as a separate defendant is redundant.

Respectfully submitted,

**PRESIDENT AND FELLOWS  
OF HARVARD COLLEGE**

By its attorneys,

/s/ William W. Fick

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**Certificate of Service**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 28, 2020.

/s/ William W. Fick